

CITY OF MUSKEGON
PLANNING COMMISSION
SPECIAL MEETING
MINUTES

July 28, 2003

P. Sartorius called the meeting to order at 4:06 p.m., and roll was taken.

MEMBERS PRESENT: J. Aslakson, B. Mazade, S. Warmington, P. Sartorius, B. Smith, T. Michalski, L. Spataro

MEMBERS ABSENT: T. Johnson, excused; T. Harryman, excused.

STAFF PRESENT: D. Steenhagen, H. Griffith

OTHERS PRESENT: S. Czadzeck, Driesenga & Associates; K. Heckaman, Vice-President of Sterling Group; J. Boss, Sterling Group; B. Holmes, Jackson Hill Neighborhood Association; J. Schrier, City Attorney.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of July 10, 2003 was made by L. Spataro, supported by S. Warmington and unanimously approved.

OLD BUSINESS

Case 2003-28: Request for final Planned Unit Development approval for a senior housing development at McLaren St. and Wesley Ave., by The Sterling Group (tabled). D. Steenhagen gave the staff report. The applicant has submitted a revised site plan for the proposed development, as well as a building floorplan which is to scale. The site plan shows 16 duplex buildings (32 units) and two 4-unit buildings (8 units) for a total of 40 units for the development. There is also a proposed office and clubhouse building. The proposed buildings are situated along the proposed re-aligned McLaren St., and Sumner Ave. and the existing Wesley Ave. There are 14 two-bedroom units shown and 26 one-bedroom units. Each unit is proposed to have a one-stall garage with an additional parking space in the driveway in front of the garage. There are three proposed spaces for the office and clubhouse. The zoning ordinance requires 15% common, usable open space for a residential development. The newest site plan does show 20% open space including a walking trail. Setbacks for the structures from the streets are shown on the revised site plan. The structures appear to average about 11 feet from the roads with the garages recessed further to allow room for one car to park in the driveways in front of the garages. The site plan shows screening in all required areas and indicates that the screening will meet ordinance requirements. Building dimensions are shown on the revised site plan. An elevation of a proposed design has been provided. The revised site plan states that "exteriors of buildings will have varying sidings, colors, and aesthetic treatments".

A landscape plan has been submitted. The exact locations of existing trees are not shown, but the developer has agreed to walk the site with staff and the landscape architect in order to develop a comprehensive tree protection plan. This is indicated and agreed to on the landscape plan. The plan also states that all efforts will be made to “replace vegetation in a manner that is reasonable and effective”. The landscape plan shows a variety of species of trees (canopy, evergreen and flowering), shrubs and other landscaping materials, including street trees along the proposed Sumner Ave. extension and the Wesley Ave. cul-de-sac, as well as landscaping buffers along the adjoining residential properties. Staff has spoken to the developer about working together with the landscape architect on a tree protection plan and on a plan for tree replacement (in addition to already proposed landscaping) for the site. This type of approach has worked well with another recent development and staff feels comfortable that the developer and landscape architect understand the City requirements for tree replacement. A performance guarantee for landscaping should be required, to be put in place during the construction process to ensure that all landscaping is in place before any Certificates of Occupancy are issued for the development. The landscaping plan shows details of placement, size and species. A good mix of landscaping materials is provided. Street trees are provided as well. Sidewalk is shown along both sides of most of the proposed McLaren and Sumner Streets as well as the Wesley Ave. cul-de-sac. A location for an identification sign is shown on the site plan. Any site signage must meet ordinance requirements for size and placement and sign permits must be obtained at the time that signs are placed on the property. The ordinance permits entranceway monument signs for residential developments of up to 12 square feet. One sign for each major public road frontage may be provided. Signs shall not exceed eight feet in height. Site signage will be addressed when sign permits are applied for, as is common practice. Staff has received a letter committing to fire suppression in all buildings. This meets the requirements of the Fire Marshal. Other requirements of the Fire Marshal (regarding hydrants) and the City Engineer can be addressed during the construction plan and building permit process.

A floorplan has been submitted which is to scale. Staff has calculated that the one-bedroom units are proposed to have approximately 730 square feet while the two-bedroom units are proposed to have approximately 900 square feet. The unit sizes are below the ordinance requirements for one and two-family residential dwelling units (the ordinance requires 960 for a one-bedroom and 1060 for a two-bedroom). The Zoning Ordinance is structured so that it has one set of requirements for living space for one or two-family units and a separate set for apartments (defined as more than two units). It may not in some cases be appropriate to require a duplex unit to have the same living space as a single-family home as duplexes are generally smaller sized in many cases. Requiring a duplex to meet the same living space requirements as single-family homes in essence, requires them to be the same size as two single-family homes stuck together, which is not the case for many duplexes. In this case, two of the proposed buildings are four-units, and therefore those buildings need to meet the requirements for apartment living sizes anyway. For apartment units, the ordinance requires 650 square feet for a one-bedroom unit, and 875 square feet for a two-bedroom unit. The proposed units meet these requirements. Treating this development as a series of apartment units seems reasonable to staff. The zoning ordinance requires storage space of at least 15% of the interior living space of each dwelling unit, exclusive of auto storage or attic storage, to be provided within the structure. The proposed units do not meet this requirement. Both the one and two-bedroom units have approximately 4% of storage space, comprised of storage closet areas. Staff has spoken with Billie Joy Holmes, Vice-President of the Jackson Hill Neighborhood Association. The former

president of the association has resigned his position and Ms. Holmes is the current spokesperson for the group. Staff made sure that Ms. Holmes understood the development plans and invited her to come and look at the site plan if she so wished. Ms. Holmes stated that she would bring the issue up at the next neighborhood board meeting and would either get back to staff with the neighborhood's comments on the development or a representative would come to the special meeting.

T. Michalski stated that the walkway is proposed to be gravel according to the site plan. He asked if this was acceptable according to zoning ordinance requirements. D. Steenhagen stated that staff would propose that it be a paved surface. K. Heckaman stated that they would be using normal black asphalt for the walkway. S. Czadzeck described the process for the walkway. J. Aslakson asked if the applicant was aware of the proposed conditions for approval. J. Boss stated that they were. T. Michalski asked if there was any way to insure that this would remain a senior complex. B. Mazade stated that it would be done through the PUD process and enforced. D. Steenhagen added that it was also required in order for the applicant to get the tax credits. J. Schrier stated that the court doesn't like deed covenants. It is also hard to say what the appropriate zoning would be 30 years from now. K. Heckaman asked once the PUD is recorded, wouldn't it stay with the property. J. Schrier stated that it is always subject to change. P. Sartorius stated that as long as the PUD is in place, it would be. J. Aslakson would like to see the first condition changed to "The development will remain a senior complex as long as the PUD is in effect". K. Heckaman asked if "55 and older" could be added in order to define "senior". L. Spataro asked why there wasn't any sidewalk between building H & G. S. Czadzeck stated that the curb is right up to the property line at that point, leaving no room for sidewalk there. B. Holmes asked questions in regards to the proposal for the street placement. D. Steenhagen explained the way the street connections would be.

A motion that the final PUD and associated site plan for a senior residential development at McLaren St., Sumner Ave. and Wesley Ave. be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan based on the following conditions: 1) The development will remain a senior complex for 55 and older as long as the PUD is in effect. 2) The proposed vacation of a portion of McLaren St. and the proposed re-alignment of McLaren St. and Sumner Ave. must be approved by the City Commission or this PUD approval will be void. 3) Sign permits will be obtained for all proposed signage and signs will meet ordinance requirements. 4) The construction plans for Sumner and McLaren must be submitted to and approved by the Engineering Department and must contain local street dimensions such as width of street a minimum of 27 feet back-to-back and right-of-way of no less than 50 feet, to be dedicated to the City. 5) Fire hydrants shall comply with International Fire Code Appendix C. 6) The walking trail shown on the site plan will be paved, was made by J. Aslakson, supported by T. Michalski and unanimously approved.

Case 2003-22: Request to vacate the 274 linear feet of McLaren St. north of Wesley Ave., by the Sterling Group (tabled). D. Steenhagen presented the staff report. Staff has been working with Sterling Group for the past several months on the possible vacation of McLaren St., which was tabled by the Planning Commission at their June 25 Special Meeting. A meeting was held on July 1. In attendance were the City Manager, Zoning Administrator, City Engineer, Fire Marshal, City Attorney and a representative from the Sterling Group. The discussion centered on the issues brought up at the special Planning Commission meeting. It was determined that

the only portion of street that is absolutely necessary to be vacated is the portion of McLaren, which is south of the proposed Sumner St. extension. Sterling has provided a legal description for that portion of street. The vacation request will only address that description. Sterling absolutely requires that the City Commission vacates the portion of street before July 31st or they will not pursue the project. Staff and the Planning Commission have been hesitant to vacate a street without some form of guarantee that the project will proceed. A letter was prepared by City Attorney to Sterling Group giving two different options for vacating the street. After further discussion between Sterling Group and the City Attorney, it was determined that Option 2 was the preferred option, with two changes. These changes are minor and help protect the City's concerns. Staff recommends approval of this request, provided that all the conditions are met.

J. Boss felt that the requirements would be met. L. Spataro asked if they were aware of the proposed conditions. J. Boss stated that they were and they agreed to all of them.

A motion that the vacation of a portion of McLaren St., as described in the attached legal description, be recommended to the City Commission for approval based on the following conditions: 1) The Planned Unit Development for the proposed development by the Sterling Group is approved by the City Commission. 2) All units in the proposed development will be fire suppressed, as agreed to by the Sterling Group in their 7/9/03 letter. 3) The fire hydrants must comply with International Fire Code Appendix C for placement and amount. 4) The effective date of the vacation will be when the following are completed (as agreed to by the Sterling Group in their 7/9/03 letter): a) The pulling of building permits and issuance of certificates of occupancy. b) Plans are presented and approved by City staff for the construction of the proposed Sumner Street and reconstruction of McLaren Street. c) Posting a bond in the amount determined by the City to cover the cost of construction of proposed Sumner Street and reconstruction of McLaren Street north of proposed Sumner. 5) This vacation will reserve unto the City the right to retain and maintain all utilities in the vacated street. 6) A new 8" water main will be installed between Alva St. and the east line of the property owned by Findlay Group. 7) A new 8" water main will be constructed in McLaren St. from the newly proposed street to the north limits of the Findlay Group property. 8) A new street will be constructed and dedicated for public use or an easement provided for the would-be constructed water main. 9) The applicant will participate in the construction of the 8" water main from the north limits of the Findlay Group property to Jackson St. in the amount not more than \$30,000 with the rest of the Cost by the City. 10) The City will not maintain a sewer lift station should the proposed project require a station by design. Maintenance of a sewer lift station either individually or collectively will be the responsibility of the property owner, was made by S. Warmington, supported by B. Smith and unanimously approved.

OTHER

Sign Ordinance. S. Warmington asked staff to review the sign ordinance in regards to nonconforming signs. There are many existing businesses that have more signs than what is currently allowed. He gave an example of his business where he would like to replace some of his signs due to the damage that they have endured through the changes in weather over the years. He hasn't done it since once he takes them down, they lose the nonconforming status and can't be put back up.

Imagine Muskegon Presentation. P. Sartorius invited the commission members to the August 11th presentation for the City Commission. He stated that the presentation could also be done for the Planning Commissioners at another time if they are interested.

There being no further business, the meeting adjourned at 4:47 p.m.

hmg

07/28/03